

LOCAL NEWS.

It is suggested that if the President of the Senate needs a prompter, the President of the Pericleans is at his service.

The Great Mendelssohn Quintette Troupe, of Boston, we learn through the Agent, are to visit our city shortly.

The people of Burton county offer \$100,000 to any respectable company that will build a Railroad through their territory.

Missouri has four pickle factories in the State outside of the one now in operation in the State Capitol.

The best thing we have yet heard about ex-Governor Woodson's message is that it is the last.—Banner.

Governor Hardin has issued his proclamation offering a reward of \$300 for Samuel Orr, charged with the murder of Wm. R. Davis in Christian county in March, 1873.

Mrs. Jane Willet, aged 42, living ten miles south of Stockton, gave birth to a child a short time since, which has six fingers on each hand and fourteen toes on each foot.

St. Clair county is trying to get rid of their Township organization. The people find themselves too heavily burdened by taxation by being too much governed.

The ministers and newspapers, as well as a goodly number of the citizens of Osceola, seem to be tangled up in a wrangle over the Drug Store and Saloon liquor-selling question.

Hermann Steinh, formerly of this city, now engaged in the upholstery business in Sedalia, sustained damages to his stock to the amount of about \$900 by the recent fire in that city.

Keno by golly! shouted an enthusiastic button-dropper the other night. And what is the next "ball?" shouted another. So Keno was "Korrect." "Shake 'em up."

The Governor has ordered an election to be held in Texas county on Tuesday, the 10th of February next, to fill the vacancy in the House of Representatives caused by the death of Hon. H. C. Lattimer.

The Sheriff of Jasper county is in the city claiming a reward of \$150 for the capture of Wm. Steele, alias Staley, charged with the murder of Harvey Sutton, in Texas county in 1871.

Some of the representatives of the Metropolitan press are talking up a grand ball, the proceeds of which are to be donated to the endowment of a hospital for mendicant bohemians, in which "J. H." of the Sedalia Democrat will be appropriately cared for and cured.

The report seems to have gone abroad, by some mistake, that Geo. W. Frame has been appointed Chief Clerk in the Adjutant General's office. This is a mistake. Capt. W. F. Mcbourne fills that position. Mr. Frame is not in the office.

The Governor, in reply to a letter from J. J. McBride, the attorney of Mike Scanlan which was laid before his Excellency, by Secretary McGrath, refuses to grant a further respite of the sentence of the condemned man, but signified his willingness to entertain a proposition to commute his punishment.

The Mott mystery, about which there has been so much agitation over at Memphis, has been investigated by a physician of Peoria, Ill., who has pronounced it a fraud. But as all investigations of such humbugs always proves them such, sensible people are not surprised at the result from Mott's wonderful contrivances.

A Vermont school-master says he never felt unequal to any demand in the line of his profession, excepting on one occasion, when farmer brought his bouncing fifteen-year-old daughter to the school and walking up to the teacher's desk, said, "That's my youngest gal, and if ever you catch her slidin' down hill with the boys, I jist want you to trounce her."

Half enough of the capital stock of a narrow-gauge railroad from Baxter Springs, via Joplin to Carthage, has been subscribed, and work upon the grade will soon commence. The road is to be built with private capital exclusively.

If financiering capitalists take hold of narrow-gauge projects in this manner, we look upon it as another argument in their favor.

A Covington girl declined to engage herself to the object of her affections until his father had given her a written guarantee that his son was sound "in wind and good morals, gentle, and warranted to behave well both in single and double harness." That girl did not intend to be seen in a divorce court.

At the November Term 1874, of the U. S. Circuit Court for the Western District of Missouri, in the case of S. K. Williams vs. the Mo., Kan. & Texas Railway Company, which was originally brought in the Henry County Circuit Court, a motion was filed to remand cause to the State Court for trial, on the grounds of jurisdiction. This motion has been recently overruled by Judge Dillon.

Genius loses a part of itself as it were, by the death of a brilliant man in any profession or walk of life. This is well illustrated in the case of a "super" whose brain wearing task it was to remove the chairs from the stage of the theater. When Macready's death was announced, he, with dramatic gesture and feeling, exclaimed—"Great Heaven! another one of us gone!"

E. H. Mozart, representing the House of Dingman & Co., of St. Louis, Manufacturers of Fine Dress Shirts, arrived in the city yesterday, and is stopping at the City Hotel. He has with him a full line of the Spring styles of both Fancy and White shirts, and is prepared to take orders for the same, the House guaranteeing a perfect fit and general satisfaction. We have no doubt that parties desiring articles in their line will find it to their advantage to deal with this House.

IMPORTANT DECISION.

John Smith et al plaintiffs in error, vs. Philip Hess et al, defendants in error. Error to Cole Circuit Court.

OPINION OF THE COURT.

This is a proceeding in the nature of a bill in equity, and was instituted in the Cole circuit court by plaintiffs as trustees of the Evangelical Lutheran Trinity Church, by which it is sought to have vested in themselves, as such trustees, the title to a certain parcel of ground situated in Jefferson City, as a place of interment for that church, in conformity, as it is claimed, to the deed of Christian Routzong, bearing date August 28th, 1852, to restrain the defendants, who are the trustees of the church known as the German Evangelical Central Congregation, and the members of such church from the use of the ground thus conveyed until a final hearing, etc., etc.

The deed of Routzong was delivered to his son-in-law, John Guenther, and was made to the "Lutheran Church," and the parcel of ground thereby donated, was granted for a burial ground, in consideration of the respect entertained by the donor for said Church.

Without adverting to the evidence in detail, it shows with very convincing and conclusive clearness that the Church to which Routzong belonged, was Lutheran in doctrine, that the distinguishing characteristic of that faith consists in accepting all that the Augsburg Confession teaches, and rejecting all that it rejects; that to the most laudable this Church is known and designated by no other name than the "Lutheran Church;" that to this Church, although then unorganized, and to the believers in the Lutheran faith, Routzong and his children among the members, Rev. Mr. Kolb first preached while the meetings were held at the house of Mr. John Guenther, Routzong's son-in-law, as before stated, the deed for the burial ground was delivered; that Mr. Kolb was succeeded in his ministrations to this congregation, by Rev. Mr. Kaup, he by Rev. Mr. M. ver, he by Rev. Mr. Sandross and he by the clergyman at present officiating, Rev. Mr. Thuro; that the names of all these ministers are on the list of the Missouri Synod, a strictly Lutheran organization; that the names of none of the Church to which defendants adhere are to be found on such list, or are recognized by the Church to which plaintiffs belong; that it was the intention of the donor, Routzong, to give the burial ground to the Church and congregation to which Kolb preached, and with which the donor and his children worshipped, and that that Church which subsequently organized and built a brick house of worship below Zwinger's, was the only Lutheran Church then or now in Jefferson City; that the "Church on the Hill" to which defendants and their associates belonged entertained theological views widely different from those entertained by the Church to which plaintiffs belonged; and that the Church to which defendant belonged was not organized and had no preacher until the year 1859; and he, the Rev. Mr. Reiger did not pretend to be a Lutheran.

The answer of defendants denied the chief allegations of the petition and claim that the deed was for the benefit of the church and congregation to which they belonged, and asked for affirmative relief in the form of a decree vesting the title to the premises in controversy, in themselves, as trustees of the "German Evangelical Central Congregation." The evidence, however, offered on their part, does not seriously militate, or negative that offered by plaintiffs; but in many particulars, adds additional force to the testimony already adduced by the plaintiffs.

The ground upon which courts of equity interfere, in cases of this sort, is that of effectuating the specific intent of the donor. And on this point the evidence of the son and daughter of Routzong who worshipped with and espoused the same faith as their father, is entitled to and should receive far more than ordinary weight in determining the purpose by which he was actuated in making the donation. It is not to be presumed that the grantor would donate his property to the benefit of a church or congregation alien in faith to that to which he adhered and in ascertaining what that faith was, and its resort may be had to the usages of the church to which he attached himself, to the books containing the creed or tenets of religious faith of that church, and to ecclesiastical history. When by resort to such or similar means the theological belief of the grantor is clearly ascertained, and when satisfactory information is likewise afforded as in the present instance by competent evidence as to the intent of the maker of the conveyance, although the language used in such conveyance as indicative of the intent may not be altogether free from obscurity a court of equity will interpose in favor of those who may equitably claim under the grant, and offered its aid and protection against every infringement of the equitable rights which have thus accrued.

In the leading case in England, that of the Attorney-General vs. Pearson, 3rd Meriv. 352 the purpose declared in the deed was simply "the worship and service of God." Those words in England, without more, are deemed to create a trust for the established religion. Yet the proof having clearly established that the purpose of the trust was the maintenance of dissenting doctrines the court decreed that purpose to be carried into execution, and would not permit its frustration in the slightest degree. And a similar ruling was made in the case of Kinslem vs. The Lutheran Churches, etc., 1 Sandf. Ch. R. 439.

No doubt is entertained that the gift under consideration is a charity, and falls within the meaning of the rules of chancery, 2nd Storey Eq. Jur., § 1164 and cases cited.

And although in consequence of the non-incorporation of the Church for whose benefit the grant was made, there was no *in esse* at the time of making the donation, capable of being a charitable one, a court of equity having ascertained the intent of the grantor will not allow the grant on that account to fail, but will see to its effectuation. 2nd Storey Equity Jur. § 1165, 1166 and cases cited. Pattee vs. Chapin, 6 Paige, 639 and cases cited; St. Louis County Court vs. Griswold, (Oct. T. 1874).

In conclusion, the plaintiffs were clearly en-

itled to the relief sought and under the circumstances of the case it was the only *theoretically* of complete and effectual redress to which they could properly resort.

The judgment rendered in behalf of defendants, and on appropriate decree in conformity of this opinion will be entered here, vesting the title to the property in dispute, in the plaintiffs as trustees of the Evangelical Lutheran Trinity Church, and perpetually enjoining and restraining defendants from further infraction of their rights.

Judge Vories and Judge Hough not sitting. The other judges concur.

T. A. SHERWOOD.

PENITENTIARY MATTERS.

New Rules.

The new Inspectors of the Penitentiary, State Auditor Holliday, State Treasurer Mercer, and Attorney General Hockaday, have availed themselves of the first opportunity to make a thorough investigation of the condition of that institution.

On Tuesday last the Inspectors of the Penitentiary met and performed this work. A number of convicts were examined separately, their wants ascertained, and their grievances inquired into. The cells were examined, the matter of clothing and food inspected. The result is, the Inspectors are themselves satisfied that the convicts are as well treated as when the Penitentiary was under the management of the State. All the prisoners, with a few exceptions are comfortably clad, and the food is of a good and wholesome character, and amply sufficient in quantity. In the opinion of the Inspectors, the Lessees have done the best they could under the circumstances, and the trouble they encounter is from the want of facilities to utilize the labor of the convicts. There are between 300 and 400 prisoners who cannot be worked for the want of room within the walls and other facilities.

The Inspectors found that there was no reason or excuse for the recent revolt, and believe it was a preconcerted matter to influence legislation, and grew out of want of proper discipline.

The Inspectors have adopted new rules and regulations which will be rigidly enforced. One of the rules requires a monthly inspection of the cells and clothing of the convicts, in order to see that the convicts are duly cared for by the Lessees.

Another requires the suppression of newspapers from among the convicts, containing articles calculated to inflame their minds and create insubordination.

Railroad Commissioners.

Some of the provision of a bill introduced by Mr. Shields in the State Legislature, providing for a board of Railroad Commissioners, are as follows:

Section one provides for the immediate appointment by the Governor of five commissioners, each to hold office until the first of January 1877. At the general election in 1875 five railroad commissioners shall be elected, two holding their office for two years, two for four years and one for six years, and vacancies occurring between general election to be filled by the governor. No person shall be qualified to hold the office of railroad commissioner who is or has been within a year prior to his appointment or election directly or indirectly interested, either as a stock or bondholder, employee, agent or otherwise in the management of financial affairs in any railroad or fast freight line running in this State, completed or uncompleted, or any railroad in any other state which is directly connected with any railroad in this State. Before entering upon their duties the commissioners are to take an oath that they are not disqualified, and that they will faithfully discharge the duties of the office to the best of their ability, and enter \$10,000 bond, to be approved by the governor.

Section five provides that the commissioners shall make out and keep a record of all complaints or other papers addressed to them of all the facts learned in relation to any casualties, on special occasions to employ experts or others whose services may be temporarily of importance. At least three times each year they shall carefully examine the condition of the several railroads in the State, and whenever they have reasonable cause to believe that any of the tracks, bridges or other structures are in a condition dangerous to, or unfit for transportation of passengers with reasonable safety, they shall inspect and examine the same, and on ascertaining such facts to be true notify the supervising officer of the railroad company with the amount of repairs necessary. The commissioners may also order and direct the speed of trains over such dangerous and defective track or bridge until the repairs are made; and if any superintendent or executive officer receiving such notice shall wilfully neglect for two days to direct the proper subordinate officers to comply with the directions of the commissioners, such superintendent, etc., shall be deemed guilty of misdemeanor, etc., and in case of death through their negligence they shall be deemed guilty of a misdemeanor.

Why Don't You?

A man called at a drug store yesterday, having a ten cent chromo under his arm, and inquired of the clerk if they framed pictures there. "No, sir; this is a drug store," replied the clerk. "So you don't frame chromos here?" inquired the man after looking around. "No, sir; as I told you before this is a drug store," again responded the clerk. The man looked in the show case, pawed over the sponge basket and in a short time spoke up: "Then you don't frame chromos, eh?" "Hav't I told you twice already that this was a drug store?" shouted the clerk. "No, sir, we don't frame chromos." "Then you don't, eh?" inquired the man, not in the least abashed, "but why don't you?" The conundrum was too much for the clerk.—Ex.

Wednesday was the day to which Judge Rice adjourned the circuit court. But Judge Miller finding no order of record of the adjournment refused to sit. So no court was held.

BLOOD!

Daring Attempt to Capture the James Boys at Kearney.

Peculiar Tactics of Pinkerton's Detectives when let Loose in a Strange State.

THEY THROW A BOMB SHELL INTO MRS. SAMUELS' HOUSE WITH TERRIBLE RESULTS.

One Child Killed and Three Persons Seriously Wounded by the Explosion.

Two of the James Boys in Irons and Abducted.

Under the foregoing frightful headlines the Kansas City Times details a desperate encounter between some Chicago detectives and the James boys:

TUESDAY MORNING.

about half past one o'clock, Mr. Samuels, the step-father of the James boys, awoke, and found Mrs. Samuels in the same condition. He said he heard a noise in the kitchen, and thought he smelled fire. At this he got out of bed and went out of the door of his room to go into the kitchen. When he got outside he discovered the west end of the kitchen to be on fire. The house is log, weather boarded. Mr. S. at once went around to the fire and commenced to tear off the boards. In the meanwhile Mrs. Samuels had come

FROM HER ROOM.

with her children, Johnnie, aged 15 years, a little girl aged 13 years and a boy aged 10. When she got into the kitchen she found the negro woman and her three children up. Mrs. Samuels saw a quilt on the bed fire. This she tore off and threw out of doors. She then discovered something on the floor which she took to be a turpentine ball. It was on fire. She attempted

TO PICK IT UP.

but found it too heavy. She then tried to push it into the fire with her foot, but failed. At this moment Mr. Samuels came in, having extinguished the flames, and he tried to kick the supposed ball into the fire, but failed. He then took a shovel and threw it into the fire-place. As he did this it exploded. It was a bomb, or more correctly speaking, what is known as a hand grenade, a ball about one inch in thickness and lined with

WROUGHT IRON.

As it exploded a portion of it struck Mr. Samuels on the right side of the head but failed to knock him senseless; another portion struck Mrs. Samuels a few inches above the right wrist, shattering all that portion of her arm; another struck the little boy, ten years old, under the third rib, on the left side, and penetrated his bowels; still another piece struck the servant on the head, but did no serious injury.

THEY CARRIED

the little boy out on the porch and into the yard, and he died in two hours after. Mr. Samuels now began to call to his neighbors for help. A Mr. Chancellor, living about a half a mile distant, heard the explosion and started for Mr. Samuels house, but on hearing several shots went back. Mr. Dan Askew, northeast about a quarter of a mile, heard the call and went at once to the scene.

What follows are the facts as detailed, precisely, to the reporter by Sheriff Groom in the morning.

THE TRACKS OF HORSES

were discovered leading from the "barn" to a spot in the horse lot. In the rear of the ice-house (east of dwelling) were found the tracks of four or five men. The fence on a diagonal line from the ice-house to the horse lot was found to be riddled with balls. In the vicinity of the blood in the horse lot there were indications which showed that the horses

HAVE SUDDENLY TURNED

and went off in a northwesterly direction of the barn, then went into a wheat field. Blood was discovered at this spot and all along the route the horses went as far as they could be traced. On the west side of the barn it was found that a horse had been hitched. Mr. Samuels says he heard a horse going at

A RAPID RATE

from that point down west of the house, through the "woods" on the south, around the "ice-house."

Three men were tracked in a northeasterly direction for some distance and then west to a spot on the Haynesville road where it was found that seven horses had been tied. A navy, loaded, was found in front of the ice-house. Dr. Seruggs was visiting Mr. Chancellor's house, near by. He had hitched his horse in a

CLOSELY FENCED LOT.

When he came out to return it was missing, and has been ever since. Dr. Sheets, of Greenville, Dr. Allen, of Liberty, and Drs. Yates and Seruggs, of Kearney, were summoned in the morning. Mrs. Samuels was suffering intense pain from the wound, and amputation became necessary about two inches below the elbow.

THIS IS THE STORY.

Some conclusions are inevitably deduced from the facts, and some surmises may be made up made up from rumors.

First, there was a fight: there can be no doubt of this. who the parties were is simply conjecture. Second, there was an attempt to burn the house. Doubtless the parties did this to

FRUSTRATE THE FAMILY

while they were engaged in their designs, which evidently were based on the suspicion that the James boys were on the premises.

Third, that somebody outside the house got hurt.

THE SURMISES

are as follows, based upon rumors: On the night of the battle the incoming train on the Hannibal and St. Joe. road, bound west, was flagged about a mile and a half west of Kearney, and four men got off the train. This same thing occurred at the same place about a week ago. Again, it is stated that a locomotive and a caboose left this city at midnight, of the same date, and in it were several men known to have been Pinkerton's.

CHICAGO DETECTIVES:

that the lines between here and Cameron were not in operation; that early in the morning this same engine and caboose were seen to pass Chillicothe, and it was understood that the James boys were in the caboose heavily ironed. The conclusion would appear to be that the men who got off the train a week ago were detectives who

WERE ON THE LAY:

that they ascertained what they wanted, and the caboose of Tuesday night contained others, and that others got off the train when it stopped a mile and a half beyond a station.

The people of Clay county, as far as the reporter could learn, deeply deplore the affair all around. They regret that the James boys came back to their midst in this manner, if they did come at all.

WHICH THEY SEEM TO DOUBT.

Just how far a band of detectives, or anybody else, should go in their attempts to capture outlaws is not definitely known. If they have to resort to throwing bomb-shells into a family of innocent children and women, it is questionable whether their efforts to rid the country of bandits will accomplish their purposes. Two wrongs never made a right. The hand grenade introduced on this occasion is simply barbarous.

SUPREME COURT DECISIONS.

MONDAY, Jan. 25.

In the Supreme Court this morning, decisions were rendered as follows:

OPINIONS BY JUDGE WAGNER.

Wm. L. Durrett, app., vs. Wm. P. Piper, resp.—Appeal from Saline Circuit Court. Affirmed.

State ex rel Howell County vs. The Justices of the Howell County Court, from Marion Circuit. Affirmed.

Almeda Wilbur, resp., vs. John P. Johnson: from Jasper Common Pleas Court. Affirmed.

Geo. W. Casler, app., vs. Peter Mesner et al. resp., from Jasper Common Pleas. Reversed and remanded.

Samuel Murray, resp., vs. David Clements, app., from Lawrence Circuit Court. Reversed and remanded.

Henry Cline, et al. defts. in error, vs. James Askins, pff. in error. Error to Lawrence circuit. Affirmed.

State of Missouri, resp., vs. Wm. M. Cook, app. From Cass circuit. Affirmed.

John M. Wells, app., vs. John Halpine, resp. From Jackson law and equity. Affirmed.

John L. Keck, trustee, etc., resp., vs. S. J. Fisher, adm'r, etc., app. From Jackson. Affirmed.

Wm. Byington, resp., vs. A. C. Hogan, et al. app. From Vernon. Affirmed.

James Hodgkins, et al. plaintiffs in error, vs. H. H. Taylor, defendant in error. From St. Clair. Writ dismissed.

State ex rel Cooper county, resp., vs. Wilson W. Trent, app. From Cooper circuit court. Reversed.

State, resp., vs. John Howenstein, app. From Jasper circuit. Affirmed.

Same. Affirmed.

State, defendant in error, vs. Edward Daugherty, plaintiff in error. Writ dismissed.

State, resp., vs. Joseph Sayers, app. Appeal from Jasper. Affirmed.

OPINIONS BY JUDGE HOUGH.

State ex rel C. M. Gordon, vs. G. H. Burdard. Monticau county interpleader and appealant. Judgment affirmed.

State to use of Rucker et al. defendants in error, vs. James E. Rucker, et al. plaintiffs in error. From Howard circuit.

James Titterton, adm'r, plaintiff in error, vs. Eugene Hooker et al. defendants in error. From Laclede circuit. Affirmed.

Newton County to use of Graves et al. appellants, vs. James T. McHugh, resp. From Newton probate and common pleas. Affirmed.

J. R. Owen, plaintiff in error, vs. Thomas M. Jones, defendant in error. From Cedar circuit. Reversed and remanded.

Andrew Gartner, resp., vs. F. T. Kemper, from Cooper. Affirmed.

OPINIONS BY JUDGE SHERWOOD.

John Smith plaintiff in error, vs. Philip Hess, et al. defendants in error. Error to Cole. Judgment reversed and decree in this Court. (Opinion in full elsewhere.)

J. W. West, plaintiff in error, vs. W. F. Fowler, defendant in error, from Cole Circuit. Affirmed.

State resp., vs. Thos. Pitts, app., from Polk Circuit. Affirmed.

Stat resp., vs. Mastin Breeden, app., from Jasper Circuit. Reversed and remanded.

John Brooks, defendant in error, vs. G. S. Laworth, adm'r, plaintiff in error to Dent. Affirmed.

Fred Schulenburg, et al. plaintiff in error, vs. Thos. D. Evans, adm'r. Error to Cass. Reversed and remanded.

Nancy Jones, et al. defendant in error, vs. Wm. Manley, et al. plaintiff in error. Error to Cedar. Reversed and remanded.

OPINIONS BY JUDGE NAFTON.

S. P. Doss, resp., vs. M. K. & T. R. R., app., from Vernon. Reversed and remanded.

N. J. Phelps, app., vs. Abram Robins, resp., from Newton. Affirmed.

Murtha McKingle, app., vs. George Mathews, et al. resp., from Lawrence. Affirmed.

J. M. Seay, adm'r., vs. S. C. Hopkins, from Crawford. Affirmed.

J. K. Cravens, resp., vs. Wm. C. Jameson, et al. app., from Jackson. Reversed.

Francis Boyer, et al. resp., vs. B. Dively, ad., app., from Jackson. Affirmed.